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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,949	03/21/2000	John Michael Kominek	QUAC0007	7501

22862	7590	09/07/2005

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EXAMINER
WOO, ISAAC M

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*16 June 2005*</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40 and 42* is/are rejected.

7)☒ Claim(s) *41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Applicant's Arguments, filed on March 16, 2005

have been fully considered but they are not persuasive for claims 1-35 and are deemed

moot in view of new ground of rejections below for claims 36-42.

2.   Claims 20, 24 and 30 are amended. Claims 36-42 are newly added. The pending

claims are 1-42.

Response to Arguments

3.   In response to Applicant's Remarks filed on June16, 2005, the following factual

arguments are noted:

The combination of Boguraev and Bertram cannot teach, "applying text pattern to

the obtained data" and "generating grammatical sentences the user specific interface",

"transforming and canonicalizing semantically structured data" and Bertram is non-

analogous art to combine with Boguraev.

Examiner disagrees. In response to applicant's arguments for limitation "applying

text pattern to the obtained data" and "transforming and canonicalizing semantically

structured data". Boguraev discloses, "knowledge mining attempts to identify technical

terms to be included in the domain catalog by searching for particular syntactic patterns

representative of technical terms, e.g., a noun phrase. If it sees that "disk", "repair" and

program" in phrase 401 are nouns, then it recognizes the three nouns as constituting a noun phrase, and thus, potentially a technical term. However, "repair" and "program" can also be verbs, so lexical analysis must first determine that the words are, in this context, nouns, see (col. 42, lines 10-35). This teaches syntactic pattern is applied to data that is text data. Thus, Boguraev discloses, "applying text pattern to the obtained data". The limitation "transforming and canonicalizing semantically structured data" is preamble. That is unpersuasive argument. The recitation "applying text pattern to the obtained data" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process of the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In response to applicant's argument that Boguraev is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Boguraev discloses, "generating grammatical sentences from the data", see (fig. 13, col. 56, lines 7-46). Bertram discloses, "according to a specific user interface in the second data file", see (col. 6, lines 17-28). Applicant argues, the combination does not teach grammatical sentences from the user specific

interface. But this is not proper argument. Because Bertram does not need to disclose,

grammatical sentences from user interface. The grammatical sentences are already

taught by Boguraev, and data (grammatical sentences) is displayed to specific user

interface by Bertram. Thus, it is not necessarily to generate data from specific user

interface. If generated grammatical sentences (or any data) can be displayed in specific

user interface, it can be fully discloses, the claimed limitations. Thus, the combination

disclose, "generating grammatical sentences from the data according to a specific user

interface in the second data file".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 36-40 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bijl et al (U.S. Patent No. 6,366,882, hereinafter, "Bijl").

With respect to claim 36, Bijl discloses, using a user interface having a voice

portal (2, terminal, fig. 1) to obtain data from a network of computers, see (voice is

received on 6, server, fig. 1, via network, col. 6, lines 27-51); applying text patterns to the obtained data and placing the data in a first data file, see (col. 1, lines 5-8, col. 2, lines 34-44, col. 6, lines 26-52, speech-to-text conversion); providing a second data file containing the obtained data in a uniform format, see (34, pack up files, fig. 4, col. 8, lines 6-39); and generating grammatical sentences (col. 7, lines 40-56) from the data according to a specific user interface in the second data file (14, output, fig. 1, col. 6, lines 26-52), see (col. 7, lines 40-56, col. 6, lines 26-52, output sent to specific user interface (output terminal)).

With respect to claim 37, Bijl discloses, sending voice command to the network of computer, see (6, server, fig. 1, col. 6, lines 26-53).

With respect to claim 38, Bijl discloses, receiving at least part of the grammatical sentences, see (col. 7, lines 40-56).

With respect to claim 39, Bijl discloses, cell phone and plain old telephone service, see (col. 7, lines 20-56).

With respect to claim 40, Bijl discloses, voice portal uses word-based automatic speech recognition, see (8, speech recognition, col. 6, lines 26-52).

With respect to claim 42, Bijl discloses, notifying a customer management

subsystem of abnormal termination of the user interface; and retuning session state of

the user upon resuming session, see (col. 7, lines 7-67).

Claim Rejections - 35 USC § 103

6.   Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boguraev (U.S. Patent No. 6,212,494) in view of Bertram et al (U.S. Patent No.

5,818,446, hereinafter, "Bertram").

With respect to claims 1, 14, 20, 24 and 30, Boguraev discloses, obtaining data

from a network of computer, see (col. 7, lines 42-67, computer network provides online

documents); applying text patterns to the obtained data (fig. 4, col. 42, lines 10-35, col.

57 and col. 58) and placing the data in a first data file, see (fig. 12, col. 62, lies 21-67);

providing a second data file (fig. 13) containing the obtained data in a uniform format,

see (fig.13, col. 65, lines 7-46); and generating grammatical sentences from the data

(fig. 13, sentence completed with variable input, fig.13, col. 65, lines 7-46). Boguraev

does not explicitly disclose according to a specific user interface in the second data file.

However, Bertram discloses, "a single user interface could not possibly meet all the

demands and needs of all users: witness the vast multiplicity of unique user interfaces

that are presented by a variety of application programs; operating systems, browser

environments and the like. There is a need to be able to switch between user interface

at the preference of the user or when the data being displayed to a user changes in

such a fashion that a different user interface would be better suited to the display and

user needs. Changes between various user interfaces presented to the user should be

quick, simple and easily selectable and automatic when possible", see (col. 6, lines 17-

28). This teaches that data can be displayed according to user preference (specific) of

user interface. Therefore, it would have been obvious to a person having ordinary skill in

the art at the time of the invention wad made to modify Boguraev by incorporating

according to a specific user interface in the second data file with the system of Bertram.

Thus, one having ordinary skill in the art at the time the invention was made would have

been motivated to use such a modification because that would provide Boguraev's

system the enhanced capability of providing information on multiple different (specific)

user interface.

With respect to claims 2 and 18, Boguraev discloses that the second data file

comprises applying a lexical entry transformation table to transform the obtained data

into a common semantic form, see (col. 10, lines 17-67).

With respect to claims 3-4, Boguraev discloses that the second data file

comprises applying attribute phrase grammars and applying term arrangement rules to

the obtained data, see (col. 11, lines 24-65).

With respect to claim 5, Boguraev discloses the second data file comprises applying a second lexical entry transformation table to transform data to normalized and tagged format, see (fig. 6, col. 61, lines 1-45).

With respect to claims 6 and 15, Boguraev discloses storing the second data file in a uniform format, see (fig.13, col. 65, lines 7-46).

With respect to claim 7, Boguraev discloses, the uniform format comprises a normalized and tagged format, see (fig.13, col. 65, lines 7-46).

With respect to claim 8, Boguraev discloses, generating user interface specific grammatical sentences comprises applying attribute phrase grammars to the data in the second data file to create a parsed form of the data, see (fig.13, col. 65, lines 7-46).

With respect to claim 9, Boguraev discloses, generating user interface grammatical sentences comprises applying lexical entry transformation tables to the parsed form of the data to create a term substituted form of the data, see (fig.13, col. 65, lines 7-46).

With respect to claim 10, Boguraev discloses, generating user interface specific grammatical sentences comprises applying term rearrangement rules to the term

substituted from the data according to a specific interface to create a rearranged form of

the data, see (fig.13, col. 65, lines 7-46).

With respect to claims 11 and 19, Boguraev discloses, generating user interface

specific grammatical sentences comprises applying phrase generation grammar to the

rearranged form of the data to create interface specific sentences, see (fig.13, col. 65,

lines 7-46).

With respect to claims 12-13, 16-17, 21, 25-26 and 31-32, Boguraev discloses,

voice output to a telephone, corresponding to the interface specific sentence, see

(fig.13, col. 65, lines 7-46).

With respect to claim 22, Boguraev discloses, storing the first data file and the

generated phrase in a database, see (col. 7, lines 50-67).

With respect to claim 23, Boguraev discloses, that obtaining data from a network

of computers comprises obtaining data from Internet, see (col. 7, lines 25-67).

With respect to claims 27 and 28, WAP (wireless application protocol), that is an

open international standard for applications that use wireless communication, e.g.

Internet access from a mobile phone.

With respect to claim 29, Boguraev discloses, the means for organizing a

plurality of data files containing obtained data from the obtaining means, see (col. 7,

lines 25-67).

Claims 33-35 (computer program product claims) are rejected on grounds

corresponding to the reasons given above claimed in claims 1-11.

Allowable Subject Matter

7.   Claim 41 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-

4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

IMW
September 1, 2005

JEAN M. CORRIELUS
PRIMARY EXAMINER